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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R.S.A. No. 3170 of 2005

Date of decision: 4.10.2007

Smt. Sunehri and others ...Appellants

Versus

Bichha Mal and others ...Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Ramesh Sharma, Advocate for the appellants.

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RAJESH BINDAL, J.

The plaintiffs are in second appeal against the concurrent findings of fact by both the Courts below whereby suit filed by them for declaration and permanent injunction was dismissed.

Having heard learned counsel for the appellants.

It is not disputed that in an earlier suit titled Mohan Lal and others Vs. Risala and others, the present respondents were declared as owners and the defendants in that suit, which are now some of the appellants/plaintiffs were declared as trespassers. The judgment and decree dated October 22, 1970 (Ex. D-1) in the earlier suit was upheld up to this Court in Appeal. In execution filed in terms of the decree passed earlier, where the present appellants had even filed objections, learned Court below, after rejecting the objections filed by the appellants, executed the decree by getting the possession delivered with the help of police. Thereafter, the respondents/defendants are in possession of the property as owners thereof. Even thereafter another suit filed by Jai Singh against Brij Mohan pertaining to the land, which is subject matter of the present suit, was dismissed by the learned trial Court. Once the issue sought to be raised in the present appeal have already been determined between the parties in earlier lis decided by the competent Court, no occasion arises for the

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appellants/plaintiffs to re-agitate the same.

Accordingly, I do not find any merit in the present appeal and the same is dismissed.

October 04, 2007 **(Rajesh Bindal)**
Pka **Judge**